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TYRONE JOHNSON, et al.

**UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

TYRONE JOHNSON, individually,  
KEVIN PARADA, individually;  
WILLIAM EATON, individually,

Plaintiffs,

v.

LOS ANGELES COUNTY  
SHERIFF'S DEPARTMENT, a public  
entity; LOS ANGELES COUNTY, a  
public entity; SHERIFF ROBERT G.  
LUNA, individually; MICHAEL  
EARWOOD, individually; ERNESTO  
CRISOS, individually; MARIA  
GUTIERREZ, individually; and DOES  
1 through 10, individually;

Defendants.

**CASE NO.: 2:24-cv-9197**

**COMPLAINT FOR DAMAGES**

1. Failure to Protect from Harm, Fourteenth Amendment Violation (42 U.S.C. § 1983);
2. Failure to Provide Medical Care, Fourteenth Amendment Violation (42 U.S.C. § 1983);
3. Failure to Intervene (42 U.S.C. § 1983)
4. Supervisory Liability (42 U.S.C. § 1983);
5. Municipal Liability (*Monell*, 42 U.S.C. § 1983);
6. Negligence;
7. Violation of California Government Code §845.6;
8. Violation of California Civil Code §52.1 (Tom Bane Act)

**DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1  
2 1. This civil rights action seeks to remedy egregious civil rights violations  
3 stemming from the brutal and violent attack of KEVIN PARADA, WILLIAM  
4 EATON, and TYRONE JOHNSON on or about August 13, 2023 in Pitchess Detention  
5 Center. This civil rights action also seeks to bring to public light the deliberate  
6 disregard for safety and protection carried out by the individual defendants in the  
7 present action.

8 2. On August 13, 2023, during the 8:00 p.m. count time at Pitchess Detention  
9 Center in Supermax Dorm 618, a violent race riot (the “INCIDENT”) erupted between  
10 Latino and Black inmates. The riot led to brutal assaults on KEVIN PARADA,  
11 WILLIAM EATON, and TYRONE JOHNSON, with Black inmates being severely  
12 beaten and stabbed by Latino inmates. This violence occurred amid escalating racial  
13 tensions in the Dorm 618 that had been brewing due to earlier incidents.

14 3. Upon information and belief, Defendants MICHAEL EARWOOD,  
15 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 were aware of the  
16 potential for violence between Latino and Black inmates in Dorm 618 since a similar  
17 race riot occurred about one (1) week before the August 13, 2023 INCIDENT.

18 4. However, despite the long history of race riots and racial tensions at  
19 Pitchess Detention Center including a race riot a week before the INCIDENT,  
20 Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and  
21 DOES 1-10 failed to protect KEVIN PARADA, WILLIAM EATON, and TYRONE  
22 JOHNSON from harm and were deliberately indifferent to their needed medical care.

23 5. Furthermore, KEVIN PARADA, WILLIAM EATON, and TYRONE  
24 JOHNSON’s constitutional rights were also violated based upon LASD’s and  
25 COUNTY’s unconstitutional customs and practices along with their failure to train  
26 deputies.

27 6. Accordingly, this civil rights action seeks to vindicate KEVIN PARADA,  
28 WILLIAM EATON, and TYRONE JOHNSON’s violent near death experience and

1 violation of their constitutional rights.

2 **JURISDICTION AND VENUE**

3 7. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the  
4 Fourteenth Amendment to the United States Constitution, and the laws and  
5 Constitution of the State of California. Jurisdiction is conferred upon this Court by 28  
6 U.S.C. §§ 1331 and 1343.

7 8. This Court has the authority to grant the requested declaratory relief  
8 pursuant to 28 U.S.C. §§ 2201, as well as Federal Rules of Civil Procedure 57,  
9 including pursuant to the Court's inherent equitable powers.

10 9. Venue is proper within the Central District of California pursuant to 28  
11 U.S.C. § 1391(b)(1) and (2) because all Defendants reside within this district and the  
12 events and omissions giving rise to Plaintiffs' claims occurred within this district.

13 10. Plaintiffs have complied with the California Tort Claims Act requirements  
14 with respect to their claims arising under state law.

15 11. With respect to these supplemental state claims, Plaintiffs request that this  
16 Court exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over such claims  
17 as they arise from the same facts and circumstances that underlie the federal claims.

18 **PARTIES**

19 12. Plaintiff KEVIN PARADA, is and was, at all relevant times, an individual  
20 residing in Los Angeles County, California.

21 13. Plaintiff WILLIAM EATON, is and was, at all relevant times, an  
22 individual residing in Los Angeles County, California.

23 14. Plaintiff TYRONE JOHNSON, is and was, at all relevant times, an  
24 individual residing in Los Angeles County, California.

25 15. Defendant LOS ANGELES COUNTY (hereinafter also "COUNTY")  
26 owns, operates, manages, directs and controls Defendant LOS ANGELES COUNTY  
27 SHERIFF'S DEPARTMENT (hereinafter also "LASD"), also a separate public entity,  
28 which employs other Doe Defendants in this action. At all times relevant to the facts

1 alleged herein, Defendant COUNTY was responsible for assuring that the actions,  
2 omissions, policies, procedures, practices and customs of its employees, including  
3 LASD employees complied with the laws and the Constitutions of the United States  
4 and of the State of California. Defendant COUNTY, through LASD, is and was  
5 responsible for ensuring the protection and safety of all persons incarcerated at the  
6 LASD correctional facilities and detention centers, including Pitchess Detention  
7 Center.

8 16. Defendant ROBERT G. LUNA (hereinafter also "LUNA"), at all times  
9 mentioned herein, was the Sheriff of Defendant LOS ANGELES COUNTY, the  
10 highest position in the COUNTY Jails. As Sheriff, Defendant LUNA is and was  
11 responsible for the hiring, screening, training, retention, supervision, discipline,  
12 counseling, and control of all COUNTY Jails' employees and/or agents. Defendant  
13 LUNA is and was charged by law with oversight and administration of the COUNTY  
14 Jails, including ensuring the safety of the inmates housed therein. Defendant LUNA  
15 also is and was responsible for the promulgation of the policies and procedures and  
16 allowance of the practices/customs pursuant to which the acts of the COUNTY Jails  
17 alleged herein were committed. Defendant LUNA is being sued in his individual  
18 capacities.

19 17. At all relevant times, MICHAEL EARWOOD, individually; ERNESTO  
20 CRISOS, individually; MARIA GUTIERREZ were individuals employed as  
21 employees/deputies with the defendant LASD, acting within the course and scope of  
22 that employment, under color of law.

23 18. At all relevant times, Defendants DOE Deputies 1-10, inclusive, were  
24 individuals employed as employees/deputies with the defendant LASD, acting within  
25 the course and scope of that employment, under color of law.

26 19. Plaintiffs are ignorant of the true names and capacities of Defendants DOE  
27 Deputies 1 through 10 ("DOE Defendants") and therefore sue these Defendants by such  
28 fictitious names. Plaintiffs are informed and believe and thereon alleges that each

1 Defendant so named is responsible in some manner for the injuries and damages  
2 sustained by Plaintiffs as set forth herein. Plaintiffs will amend their complaint to state  
3 the names and capacities of each DOE Defendant when they have been ascertained.

4 20. The identities, capacities, and/or nature of involvement of the defendants  
5 sued as DOE Deputies 1 through 10 are presently unknown to the Plaintiffs who  
6 therefore sue these defendants by fictitious names. Plaintiffs are informed, believe, and  
7 thereupon allege that DOE Deputies 1 through 10 include individual law enforcement  
8 personnel employed by the LASD and the COUNTY, and that they were involved in  
9 some manner and are legally responsible for the wrongful acts and conduct alleged  
10 herein. Plaintiffs will amend this complaint to substitute the DOE Defendants' true  
11 names and capacities when they have been ascertained. Plaintiffs are informed, believe,  
12 and thereupon allege that each DOE defendant is a resident of California. Upon  
13 information and belief, DOE Deputies 1 through 10 were and still are residents of LOS  
14 ANGELES COUNTY, California. DOE Deputies 1 through 10 are sued in their  
15 individual capacity.

16 21. Each of the defendants, including the DOE Deputy Defendants, caused,  
17 and is responsible for, the unlawful conduct and resulting injuries suffered by Plaintiffs  
18 by, among other things, personally participating in the unlawful conduct, acting jointly,  
19 or conspiring with others who did so; by ordering, authorizing, acquiescing in, or  
20 setting in motion policies, plans, or actions that led to the unlawful conduct, by failing  
21 to take action to prevent the unlawful conduct; by failing and refusing to initiate and  
22 maintain adequate training and supervision; by failing to enact policies to address the  
23 constitutional rights of protesters despite the obvious need for such a policy; and by  
24 ratifying the unlawful conduct that occurred by agents and officers under their direction  
25 and control, including failing to take remedial or disciplinary action.

26 22. Plaintiffs are informed and believe and thereon allege that each of the  
27 Defendants was at all material times an agent, servant, employee, partner, joint venturer,  
28 co-conspirator, and/or alter ego of the remaining Defendants, and in doing the things

1 herein alleged, was acting within the course and scope of that relationship. Plaintiffs are  
2 further informed and believe and thereon allege that each of the Defendants herein gave  
3 consent, aid, and assistance to each of the remaining Defendants, and ratified and/or  
4 authorized the acts or omissions of each Defendant as alleged herein, except as may be  
5 hereinafter specifically alleged. At all material times, each Defendant was jointly  
6 engaged in tortious activity and an integral participant in the conduct described herein,  
7 resulting in the deprivation of Plaintiffs' constitutional rights and other harm.

8 23. Plaintiffs are informed, believe, and thereupon allege that, at all times  
9 relevant hereto, Defendants, and each of them, acted as the agents, servants, and  
10 employees of each of the other defendants.

11 24. In doing each of the acts and/or omissions alleged herein, Defendants, and  
12 each of them, acted within the course and scope of their employment.

13 25. In doing each of the acts and/or omissions alleged herein, Defendants, and  
14 each of them, acted under color of authority and/or under the color of law.

15 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

16 **I. Background on Race Riots in Pitchess Detention Center**

17 26. At all relevant times, Defendants MICHAEL EARWOOD, ERNESTO  
18 CRISOS, and MARIA GUTIERREZ were Los Angeles County Sheriff's Department  
19 deputies assigned to the Pitchess Detention Center.

20 27. Upon information and belief, Defendants MICHAEL EARWOOD,  
21 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, and each of them, knew,  
22 or should have known about multiple race riots or multiple conflicts amongst difference  
23 races at the Pitchess Detention Center.

24 28. The multiple race riots and conflicts amongst different races has come of  
25 a boil in multiple instances resulting in death or serious bodily injury to innocent  
26 detainees. Indeed, in July of 2021, a riot at the Pitchess Detention Center left possibly  
27 30 prisoners and two prison personnel injured. In 2021, the Pitchess Detention Center  
28 was designed to house approximately 8,600 male inmates in its four separate facilities.



1 The local Santa Clarita Valley Signal newspaper reported on its official website that  
2 Los Angeles County Fire Department (LAFD) received a call at on July 16, 2021 at  
3 3:11 pm local time at the jail's address and dispatched multiple ambulances to the  
4 scene. Marvin Lim, a spokesman for the LAFD, was quoted as saying that the "large  
5 fight" involving individuals resulted in more than 30 injuries and it was unclear  
6 whether Los Angeles County Sheriff's Department personnel were involved or injured  
7 in the mass altercation. Deputy Shawn Dubusky, a spokesperson of the L.A. County  
8 Sheriff's Information Bureau, said he could not confirm the number of injuries, but  
9 added that both deputies and inmates had been involved in the altercation.

10 29. As another example, on September 7, 2017, three (3) inmates suffered  
11 puncture wounds in a large racially motivated fight inside the Pitchess Detention  
12 Center in Castaic. The fight, pitting Hispanics against Blacks, was reported at 9:52 p.m.  
13 Wednesday, September 7, 2017 at 29320 The Old Road in a dorm containing 94 male  
14 inmates. Deputies used pepper spray to stop the fight. Three (3) inmates were taken to  
15 hospitals for treatment of puncture wounds. Two (2) of them were later released and  
16 one remained hospitalized but his injuries were not life-threatening.

17 30. Clearly, any reasonable sheriff deputy assigned to the Pitchess Detention  
18 Center knew, or should have known about multiple race riots or multiple conflicts  
19 amongst difference races at the Pitchess Detention Center.

## 20 **II. Incident in Question**

21 31. On August 13, 2023, during the 8:00 p.m. count time at Pitchess Detention  
22 Center in Supermax Dorm 618, a violent race riot ("INCIDENT") erupted between  
23 Latino and Black inmates. The riot led to brutal assaults on several inmates, with Black  
24 inmates being severely beaten and stabbed by Latino inmates. This violence occurred  
25 amid escalating racial tensions in the Dorm 618 that had been brewing due to earlier  
26 incidents.

27 32. Upon information and belief, Defendants MICHAEL EARWOOD,  
28 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 were aware of the

1 potential for violence between Latino and Black inmates in Dorm 618 since a similar  
2 race riot occurred about one (1) week before the August 13, 2023 INCIDENT.

3 33. Upon information and belief, following that earlier riot, LASD Deputies  
4 relocated the Black inmates from Dorm 618 but allowed the Latino inmates involved  
5 in the earlier riot to remain in Dorm 618, without any oversight or precautions to  
6 prevent another riot. Upon information and belief, after certain privileges were  
7 reinstated, approximately twelve (12) Black inmates, including WILLIAM EATON,  
8 and TYRONE JOHNSON, were placed back into Dorm 618 with around forty (40)  
9 Latino inmates amid high racial tensions.

10 34. On August 13, 2023, at around 8:00 p.m. count time, inmate Kwame  
11 Williams did not comply when asked by Defendants MICHAEL EARWOOD,  
12 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 to return to his  
13 designated bunk and instead laid down in an undesignated bunk. Defendants  
14 MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-  
15 10 then called over a Black Representative and a Latino Representative to the gate and  
16 informed them that if Kwame Williams did not come to the gate to get handcuffed, the  
17 Deputies were going to “fuck your guys’ shit up.” By this time, about Defendants  
18 MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-  
19 10 and several other deputies were outside of Dorm 618.

20 35. The Latino Representative stated to the Black Representative that the  
21 Black inmates were causing unwanted attention. About 2-3 days prior to the  
22 INCIDENT, LASD Deputies raided Dorm 618 and LADS Deputies destroyed the  
23 inmates' personal belongings. As the Black Inmate Representative and Latino Inmate  
24 Representative were walking away from the gate, the Latino inmates charged the Black  
25 inmates and the Latino inmates began beating and stabbing the Black inmates.  
26 TYRONE JOHNSON, KEVIN PARADA, and WILLIAM EATON were part of the  
27 Black inmate group.

28 ///



1           36. Upon information and belief, despite Defendants MICHAEL  
2 EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 and several  
3 other deputies being stationed outside Dorm 618 in full riot gear, Defendants  
4 MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-  
5 10 failed to intervene immediately. Instead of taking action to prevent the violence,  
6 Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and  
7 DOES 1-10 recorded the INCIDENT on their cell phones, neglecting to deploy mace  
8 bombs or other measures to stop the chaos.

9           37. Worst yet, upon information and belief, Defendants MICHAEL  
10 EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 allowed  
11 the attack on TYRONE JOHNSON, KEVIN PARADA, and WILLIAM EATON to  
12 continue for approximately three (3) to five (5) minutes before finally dispersing the  
13 inmates involved in the riot with mace bombs.

14           38. During the riot, KEVIN PARADA was savagely stabbed multiple times.  
15 Although KEVIN PARADA is of Latino descent, he was targeted by Latino inmates  
16 in Dorm 618 because of his association with Black inmates. KEVIN PARADA suffered  
17 blunt force trauma to his head and was stabbed in the back of his neck, near his spinal  
18 cord, and now has permanent nerve damage that affects the whole left side of his body.  
19 KEVIN PARADA was hospitalized from August 13, 2023, to September 22, 2023, as  
20 a result of his injuries, and he required specialized surgery. KEVIN PARADA was  
21 paralyzed on the left side of his body and was not able to walk for about two (2) weeks.  
22 He had to relearn how to walk and continues to experience mobility issues. The nerve  
23 damage to this left side of his body is causing him pain, numbness, tingling sensations,  
24 and he has limited strength; no longer able to grip with strength with his left hand.  
25 KEVIN PARADA has been informed by his Doctors that the nerve damage he  
26 sustained may never heal, and he will have limited use of the left side of his body for  
27 the rest of his life.

28 ///

1           39. WILLIAM EATON was ruthlessly stabbed ten (10) times during the riot.  
2 He suffered two (2) stab wounds to his chest, five (5) to his left shoulder, and the rest  
3 to his neck and head. The injury to his shoulder is severe, leaving him unable to raise  
4 his left arm above his head. The physical injuries have significantly impacted his  
5 quality of life, and he now endures ongoing physical and emotional trauma due to the  
6 incident.

7           40. TYRONE JOHNSON was mercilessly stabbed seven (7) times, including  
8 wounds to his buttocks and body, as he attempted to shield fellow inmate KEVIN  
9 PARADA from being dragged away by Latino inmates to potentially face even worse  
10 harm. TYRONE JOHNSON attempted to protect KEVIN PARADA as KEVIN  
11 PARADA was bleeding profusely from a stab wound to his neck, causing TYRONE  
12 JOHNSON to suffer significant physical injuries as a result.

13           41. These attacks have left KEVIN PARADA, WILLIAM EATON, and  
14 TYRONE JOHNSON with both physical and psychological scars.

15           42. As a direct result of the Defendants MICHAEL EARWOOD, ERNESTO  
16 CRISOS, MARIA GUTIERREZ and DOES 1-10's failure to protect KEVIN  
17 PARADA, WILLIAM EATON, and TYRONE JOHNSON from harm and because of  
18 Defendants' intentional delayed response, KEVIN PARADA, WILLIAM EATON,  
19 and TYRONE JOHNSON all sustained severe physical and psychological injuries.

20           43. Upon information and belief, Defendants MICHAEL EARWOOD,  
21 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 also failed to summon  
22 immediate medical care for KEVIN PARADA, WILLIAM EATON, and TYRONE  
23 JOHNSON following the brutal attack they sustained, which further exacerbated  
24 KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's injuries.

25           44. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
26 GUTIERREZ and DOES 1-10, and each of them, owed KEVIN PARADA, WILLIAM  
27 EATON, and TYRONE JOHNSON not only a basic duty of reasonable care, but a  
28 professional duty to intervene in the known misconduct by any other detainee or

1 inmate. Accordingly, Defendants MICHAEL EARWOOD, ERNESTO CRISOS,  
2 MARIA GUTIERREZ and DOES 1-10, and each of them, present were individually  
3 responsible for the beating, stabbing, and various other civil rights violations inflicted  
4 on KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON, either by their  
5 direct participation or by their failure to intervene therein despite ample knowledge and  
6 opportunity to do so.

7 45. Long before the attack on KEVIN PARADA, WILLIAM EATON, and  
8 TYRONE JOHNSON, LASD personnel knew that there existed at County/LASD Jails  
9 a great indifference to the safety and protection of inmates, particularly vulnerable  
10 inmates. This indifference consisted of a total disregard by the LASD personnel for  
11 vulnerable inmates who were susceptible to being preyed upon by violent predatory  
12 inmates, like the inmates who brutally attacked KEVIN PARADA, WILLIAM  
13 EATON, and TYRONE JOHNSON.

14 46. Despite this long history of inmate-on-inmate violence, the LASD  
15 personnel deliberately failed to take even modest actions to prevent predatory behavior  
16 among inmates. Thus, by the time KEVIN PARADA, WILLIAM EATON, and  
17 TYRONE JOHNSON were taken into custody and placed at a Pitchess Detention  
18 Center cell, violent inmates knew that they could continue to prey on the most  
19 vulnerable with no interference on the part of the custodial staff or the medical/mental  
20 health staff. KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON were  
21 instead reminded that his rights, dignity, and safety remain as vulnerable as ever due  
22 to Defendants' deplorable acts and omissions.

23 47. The County of Los Angeles Sheriff Robert Luna and the Los Angeles  
24 County Sheriff's Department custodial and medical personnel assigned to its  
25 correctional facilities, by virtue of detaining individuals such as KEVIN PARADA,  
26 WILLIAM EATON, and TYRONE JOHNSON, are given the responsibility to ensure  
27 that the County/LASD Jails are safe and that the constitutional rights of detainees such  
28 as KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON are not violated.

1 The County of Los Angeles, the Los Angeles County Sheriff's Department and Sheriff  
2 Robert Luna have failed to ensure detainees do not get assaulted in their jails and have  
3 failed to protect the civil rights and constitutional rights of detainees within the  
4 County/LASD Jails. Accordingly, this claim and the subsequent lawsuit will seek  
5 judicial intervention to ensure further constitutional violations and jail assaults do not  
6 occur.

7 48. Upon information and belief, Defendants MICHAEL EARWOOD,  
8 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, were on notice of the  
9 dangers KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON faced if  
10 housed in Supermax Dorm 618, but Defendants MICHAEL EARWOOD, ERNESTO  
11 CRISOS, MARIA GUTIERREZ and DOES 1-10, and each of them, acted with  
12 deliberate indifference because they failed to immediately address the safety needs of  
13 KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON.

14 49. Upon information and belief, Defendants MICHAEL EARWOOD,  
15 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, had an opportunity to  
16 prevent the inhumane attack on KEVIN PARADA, WILLIAM EATON, and  
17 TYRONE JOHNSON. However, despite all the warning signs due to high racial  
18 tension and a previous race riot in Dorm 618, Defendants MICHAEL EARWOOD,  
19 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, were deliberately  
20 indifferent to KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's  
21 health and safety.

22 **FIRST CLAIM FOR RELIEF**

23 **Failure to Protect from Harm,**

24 **Violation of the Fourteenth Amendment to the United States Constitution**

25 **(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON**

26 **As Against Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA**

27 **GUTIERREZ and DOES 1-10)**

28 50. Plaintiffs reallege and incorporates herein by reference each of the

1 preceding paragraphs of this complaint, and any subsequent paragraphs.

2 51. Pretrial detainees such as KEVIN PARADA, WILLIAM EATON, and  
3 TYRONE JOHNSON have a Fourteenth Amendment due process right to be free from  
4 harm. *See Castro v. County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016) (en banc);  
5 *see also Gordon v. County of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018).

6 52. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
7 GUTIERREZ and DOES 1-10 were on notice of the dangers to inmates like KEVIN  
8 PARADA, WILLIAM EATON, and TYRONE JOHNSON, as alleged herein, created  
9 a substantial risk of serious harm to these inmates if housed in Dorm 618 because of  
10 the known racial tensions in Dorm 618.

11 53. Upon information and belief, Defendants MICHAEL EARWOOD,  
12 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 were on notice that  
13 approximately one week before the INCIDENT, another race riot occurred where  
14 Black inmates and their associates were targeted by Latino inmates in Dorm 618.

15 54. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
16 GUTIERREZ and DOES 1-10 made the intentional decision to place or keep KEVIN  
17 PARADA, WILLIAM EATON, and TYRONE JOHNSON in Dorm 618 with other  
18 violent Latino inmates.

19 55. Clearly, given the conflict and potential for death or serious bodily injury,  
20 the condition of placing or keeping KEVIN PARADA, WILLIAM EATON, and  
21 TYRONE JOHNSON in Dorm 618 with other violent Latino inmates put KEVIN  
22 PARADA, WILLIAM EATON, and TYRONE JOHNSON at substantial risk of  
23 suffering serious harm.

24 56. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
25 GUTIERREZ and DOES 1-10 should have taken action to prevent unnecessary harm  
26 to KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON, especially after  
27 being on notice of the dangers WILLIAM EATON, and TYRONE JOHNSON faced if  
28 housed in Dorm 618 because they were Black men and the dangers KEVIN PARADA

1 faced in Dorm 618 since he was a Latino man that associated with Black inmates, but  
2 Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and  
3 DOES 1-10 refused or failed to do so.

4 57. In other words, Defendants MICHAEL EARWOOD, ERNESTO  
5 CRISOS, MARIA GUTIERREZ and DOES 1-10 did not take reasonable available  
6 measures to abate or reduce the risk Defendants MICHAEL EARWOOD, ERNESTO  
7 CRISOS, MARIA GUTIERREZ and DOES 1-10 faced even though a reasonable  
8 deputy in the circumstances would have appreciated the high degree of risk involved—  
9 making the consequences of the Defendants MICHAEL EARWOOD, ERNESTO  
10 CRISOS, MARIA GUTIERREZ and DOES 1-10's conduct obvious.

11 58. Indeed, Defendants MICHAEL EARWOOD, ERNESTO CRISOS,  
12 MARIA GUTIERREZ and DOES 1-10 deliberately disregarded the hazards and risks  
13 posed to persons incarcerated in Dorm 618, as alleged above. Defendants DOE  
14 DEPUTIES 1 through 10 failed to take any reasonable steps to mitigate the obvious  
15 and well-known risks of harm that were attendant to housing KEVIN PARADA,  
16 WILLIAM EATON, and TYRONE JOHNSON in Dorm 618.

17 59. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
18 GUTIERREZ and DOES 1-10 were on notice that their monitoring of inmates in Dorm  
19 618, were inadequate and gave rise to a substantial risk of serious harm.

20 60. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
21 GUTIERREZ and DOES 1-10's failure to correct their lack of monitoring inmates and  
22 the dangerous conditions inmates faced while in custody in Dorm 618 evidences  
23 deliberate indifference to the inmates in their care.

24 61. As a direct and proximate result of Defendants' conduct, the civil right of  
25 KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON, as protected by  
26 the Fourteenth Amendment of the United States Constitution were violated. Further,  
27 Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON  
28 experienced physical pain, severe emotional distress, and mental anguish, and other



1 damages alleged herein.

2 62. Defendants subjected KEVIN PARADA, WILLIAM EATON, and  
3 TYRONE JOHNSON to their wrongful conduct, depriving Plaintiffs of rights  
4 described herein, knowingly, maliciously, and with conscious and reckless disregard  
5 for whether the rights and safety of Plaintiffs and others would be violated by their acts  
6 and/or omissions.

7 63. As a direct and proximate result of Defendants' acts and/or omissions as  
8 set forth above, Plaintiffs sustained injuries and damages.

9 64. The conduct of Defendants entitles Plaintiffs to punitive damages and  
10 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiffs do not  
11 seek punitive damages against Defendant LASD and COUNTY.

12 65. Plaintiffs are also entitled to reasonable costs and attorneys' fees under 42  
13 U.S.C. § 1988, and other applicable United States and California codes and laws.

14 **SECOND CLAIM FOR RELIEF**

15 **Failure to Provide Medical Care,**

16 **Violation of the Fourteenth Amendment to the United States Constitution**

17 **(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON**

18 **As Against Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA**

19 **GUTIERREZ and DOES 1-10)**

20 66. Plaintiffs reallege and incorporate herein by reference each of the  
21 preceding paragraphs of this complaint, and any subsequent paragraphs.

22 67. Pretrial detainees such as KEVIN PARADA, WILLIAM EATON, and  
23 TYRONE JOHNSON have a Fourteenth Amendment due process right to needed  
24 medical care. *See Castro v. County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016) (en  
25 banc); *see also Gordon v. County of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018).

26 68. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
27 GUTIERREZ and DOES 1-10 made the intentional decision regarding the denial of  
28 needed medical care of KEVIN PARADA, WILLIAM EATON, and TYRONE

1 JOHNSON. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
2 GUTIERREZ and DOES 1-10 denied KEVIN PARADA, WILLIAM EATON, and  
3 TYRONE JOHNSON needed medical care by placing them and allowing them to  
4 remain in Dorm 618 with other violent Latino inmates where KEVIN PARADA,  
5 WILLIAM EATON, and TYRONE JOHNSON suffered injuries which foreseeably  
6 required needed medical care. However, Defendants MICHAEL EARWOOD,  
7 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 created such a situation  
8 where they would be prevented from providing KEVIN PARADA, WILLIAM  
9 EATON, and TYRONE JOHNSON needed medical care when they foreseeably  
10 suffered injuries such as stab wounds when intentionally placed with other dangerous  
11 and hostile inmates.

12 69. By the actions and omissions described above, Defendants MICHAEL  
13 EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, violated  
14 the Fourteenth Amendment, depriving KEVIN PARADA, WILLIAM EATON, and  
15 TYRONE JOHNSON, of the following clearly established and well-settled  
16 constitutional rights protected by the Fourteenth Amendments to the United States  
17 Constitution: KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's  
18 right to be free from deliberate indifference to their safety and serious medical needs  
19 awhile in custody as pretrial detainees as secured by the Fourth and/or Fourteenth  
20 Amendments.

21 70. Despite KEVIN PARADA's, WILLIAM EATON's, and TYRONE  
22 JOHNSON's need for medical care after being severely stabbed and beaten by Latino  
23 inmates, Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
24 GUTIERREZ and DOES 1-10, failed to provide KEVIN PARADA, WILLIAM  
25 EATON, and TYRONE JOHNSON with immediate medical care. Indeed, it was  
26 foreseeable that KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON  
27 would suffer injuries which needed medical care, yet Defendants MICHAEL  
28 EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 denied

1 such needed medical care.

2 71. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
3 GUTIERREZ and DOES 1-10 did not take reasonable available measures to abate or  
4 reduce the risk of serious harm KEVIN PARADA, WILLIAM EATON, and TYRONE  
5 JOHNSON would face when being denied needed medical care, even though a  
6 reasonable deputy under the circumstances would have understood the high degree of  
7 risk involved—making the consequences of the Defendants’ conduct obvious

8 72. By the actions and omissions described above, Defendants MICHAEL  
9 EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 as alleged  
10 herein, including but not limited to their failure to provide KEVIN PARADA,  
11 WILLIAM EATON, and TYRONE JOHNSON with needed medical care constituted  
12 deliberate indifference to KEVIN PARADA’s, WILLIAM EATON’s, and TYRONE  
13 JOHNSON’s serious medical needs.

14 73. As a direct and proximate result of Defendants MICHAEL EARWOOD,  
15 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10’ conduct, the civil rights  
16 of KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON, as protected by  
17 the Fourteenth Amendment of the United States Constitution were violated.

18 74. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
19 GUTIERREZ and DOES 1-10 subjected Plaintiffs to their wrongful conduct, depriving  
20 Plaintiffs of rights described herein, knowingly, maliciously, and with conscious and  
21 reckless disregard for whether the rights and safety of Plaintiffs and others would be  
22 violated by their acts and/or omissions.

23 75. As a direct and proximate result of Defendants’ acts and/or omissions as  
24 set forth above, Plaintiffs sustained injuries and damages.

25 76. The conduct of Defendants entitles Plaintiffs to punitive damages and  
26 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiffs do not  
27 seek punitive damages against Defendants LASD and COUNTY.

28 ///

1 77. Plaintiffs are also entitled to reasonable costs and attorneys' fees under 42  
2 U.S.C. § 1988, and other applicable United States and California codes and laws.

3 **THIRD CLAIM FOR RELIEF**

4 **Failure to Intervene**

5 **(42 U.S.C. § 1983)**

6 **(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON**  
7 **against Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA**  
8 **GUTIERREZ and DOES 1-10)**

9 78. Plaintiffs realleges and incorporates by reference each of the foregoing  
10 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

11 79. Generally, "[t]here is[ ]... no constitutional duty of state officials to protect  
12 members of the public at large from crime." *Balistreri v. Pacifica Police Dep't*, 901  
13 F.2d 696, 699–700 (9th Cir. 1988) (citing *Martinez v. California*, 444 U.S. 277, 284–  
14 85 (1980)). While they have no general duty to protect the public, state and local law  
15 enforcement officers do “ ‘have a duty to intercede when their fellow officers violate  
16 the constitutional rights of a suspect or other citizen.’ ” *Cunningham v. Gates*, 229 F.3d  
17 1271, 1289 (9th Cir. 2000). “Importantly, however, officers can be held liable for  
18 failing to intercede only if they had an opportunity to intercede.” *Id.*; *see also Chaudhry*  
19 *v. City of Los Angeles*, 2010 WL 11459790, at \*4 (C.D. Cal. Dec. 21, 2010).

20 80. Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE  
21 JOHNSON claim that Defendants MICHAEL EARWOOD, ERNESTO CRISOS,  
22 MARIA GUTIERREZ and DOES 1-10, are equally liable for the constitutional rights  
23 violations they suffered at the hands of Defendants MICHAEL EARWOOD,  
24 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 due to the complete and  
25 utter failure of one or all of Defendants MICHAEL EARWOOD, ERNESTO CRISOS,  
26 MARIA GUTIERREZ and DOES 1-10 to intervene therein.

27 81. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
28 GUTIERREZ and DOES 1-10 had a duty to intervene to protect the safety of KEVIN

1 PARADA, WILLIAM EATON, and TYRONE JOHNSON as Plaintiffs were being  
2 beaten and stabbed while Defendants MICHAEL EARWOOD, ERNESTO CRISOS,  
3 MARIA GUTIERREZ and DOES 1-10 merely watched and did not take action to  
4 protect KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON.

5 82. Plaintiffs are informed, believe, and on that basis allege, that Defendants  
6 MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-  
7 10 were physically present for and aware of the rights violations perpetrated by  
8 Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and  
9 DOES 1-10 as they were occurring, but declined to intervene in violation of their sworn  
10 duties as deputies.

11 83. As a direct consequence of these injuries, KEVIN PARADA, WILLIAM  
12 EATON, and TYRONE JOHNSON suffered and continue to suffer severe physical,  
13 mental, and emotional anguish.

14 84. Defendants subjected Plaintiffs to their wrongful conduct, depriving  
15 Plaintiffs of rights described herein, knowingly, maliciously, and with conscious and  
16 reckless disregard for whether the rights and safety of Plaintiffs and others would be  
17 violated by their acts and/or omissions.

18 85. As a direct and proximate result of Defendants' acts and/or omissions as  
19 set forth above, Plaintiffs sustained injuries and damages.

20 86. The conduct of Defendants entitles Plaintiffs to punitive damages and  
21 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiffs do not  
22 seek punitive damages against Defendants LASD and COUNTY.

23 87. Plaintiffs are also entitled to reasonable costs and attorneys' fees under 42  
24 U.S.C. § 1988, and other applicable United States and California codes and laws.

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**FOURTH CLAIM FOR RELIEF**

**Supervisory Liability,**

**(42 U.S.C. § 1983)**

**(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON  
As Against Defendants SHERIFF LUNA, and DOE DEPUTIES 1 through 10)**

88. Plaintiffs reallege and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

89. This claim is brought against Defendant SHERIFF LUNA in his personal capacity based upon his personal conduct while top sheriff of LASD. This claim is brought against Defendants DOES 1-10 in their individual capacities as supervisors within LASD. “A defendant may be held liable as a supervisor under § 1983 if there exists either (1) his or her personal involvement in the constitutional deprivation, or (2) a sufficient causal connection between the supervisor’s wrongful conduct and the constitutional violation.” *Starr v. Baca*, 652 F.3d 1202, 1207 (9th Cir. 2011). Indeed, “[a] supervisor can be liable in his individual capacity for his own culpable action or inaction in the training, supervision, or control of his subordinates; for his acquiescence in the constitutional deprivation; or for conduct that showed a reckless or callous indifference to the rights of others.” *Id.*

90. At all material times, SHERIFF LUNA and DOES 1 through 10 had the duty and responsibility to constitutionally hire, train, instruct, monitor, supervise, evaluate, investigate, staff, and discipline the other Defendants employed by their respective agencies in this matter, as well as all employees and agents of the COUNTY and LASD.

91. Defendants SHERIFF LUNA and DOES 1 through 10 failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline the respective employees of their agencies, including Defendants DOE DEPUTIES 1 through 10, and other COUNTY and LASD personnel, with deliberate indifference to KEVIN PARADA’s, WILLIAM EATON’s, and TYRONE JOHNSON’s and others’



1 constitutional rights, which were thereby violated as described above.

2 92. As supervisors, SHERIFF LUNA and DOES 1 through 10 each permitted  
3 and failed to prevent the unconstitutional acts of other Defendants and individuals  
4 under their supervision and control, and failed to properly supervise such individuals,  
5 with deliberate indifference to the rights to safety and protection while incarcerated at  
6 Pitches Detention Center and the rights to the serious medical and mental health needs  
7 of KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON. Supervising  
8 Defendants either directed his or her subordinates in conduct that violated Plaintiffs'  
9 rights, or set in motion a series of acts and omissions by his or her subordinates that the  
10 supervisor knew or reasonably should have known would deprive KEVIN PARADA,  
11 WILLIAM EATON, and TYRONE JOHNSON of rights, or knew his or her  
12 subordinates were engaging in acts likely to deprive KEVIN PARADA, WILLIAM  
13 EATON, and TYRONE JOHNSON of rights and failed to act to prevent his or her  
14 subordinate from engaging in such conduct, or disregarded the consequence of a known  
15 or obvious training deficiency that he or she must have known would cause  
16 subordinates to violate KEVIN PARADA's, WILLIAM EATON's, and TYRONE  
17 JOHNSON's rights, and in fact did cause the violation of KEVIN PARADA's,  
18 WILLIAM EATON's, and TYRONE JOHNSON's rights. (*See*, Ninth Circuit Model  
19 Civil Jury Instruction 9.4). Furthermore, each of these supervising Defendants is liable  
20 for their failures to intervene in their subordinates' apparent violations of KEVIN  
21 PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's rights.

22 93. The unconstitutional customs, policies, practices, and/or procedures of  
23 Defendants COUNTY and LASD, as stated herein, were directed, encouraged,  
24 allowed, and/or ratified by policymaking officers for Defendants COUNTY and  
25 LASD, including Defendants SHERIFF LUNA and DOES 1 through 10, respectively,  
26 with deliberate indifference to KEVIN PARADA's, WILLIAM EATON's, and  
27 TYRONE JOHNSON's and others' constitutional rights, which were thereby violated  
28 as described above.

1           94. The unconstitutional actions and/or omissions of Defendants DOE  
2 DEPUTIES 1 through 10, and other COUNTY and LASD personnel, as described  
3 above, were approved, tolerated, and/or ratified by policymaking officers for the  
4 COUNTY and LASD, including Defendants SHERIFF LUNA, and DOE DEPUTIES  
5 1 through 10.

6           95. Plaintiffs are informed and believe and thereon allege that the details of  
7 this incident have been revealed to Defendants SHERIFF LUNA, and DOE  
8 DEPUTIES 1 through 10 and that such Defendant-policymakers have direct knowledge  
9 of the fact that the brutal attack by inmates on KEVIN PARADA, WILLIAM EATON,  
10 and TYRONE JOHNSON was not justified, necessary, and preventable because  
11 COUNTY and LASD were on notice of the dangers Black inmates and Latinos inmates  
12 that associate with Black inmates faced if housed in Dorm 618 because of the high  
13 racial tension in the Dorm and because of the race riot that occurred about one (1) week  
14 before the INCIDENT, and thus represents deliberate indifference to their rights to be  
15 protected and safe while in the COUNTY's custody. Notwithstanding this knowledge,  
16 on information and belief, Defendants SHERIFF LUNA and DOE DEPUTIES 1  
17 through 10 have approved and ratified the conduct and decisions of Defendants DOE  
18 DEPUTIES 1 through 10 in this matter, and have made a deliberate choice to endorse  
19 such conduct and decisions, and the basis for them, that resulted in the harm that  
20 KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON have suffered. By  
21 so doing, Defendants SHERIFF LUNA and DOE DEPUTIES 1 through 10 have shown  
22 affirmative agreement with the individual Defendants' actions and have ratified the  
23 unconstitutional acts of the individual Defendants.

24           96. Furthermore, Plaintiffs are informed and believe, and thereupon allege,  
25 that Defendants SHERIFF LUNA, and DOE DEPUTIES 1 through 10 and other  
26 policymaking officers for the COUNTY and LASD were and are aware of a pattern of  
27 misconduct and injury, and a code of silence, caused by COUNTY and LASD custody,  
28 medical and mental health staff personnel similar to the conduct of Defendants

described herein, but failed to discipline culpable law enforcement officers and employees and failed to institute new procedures and policy within the COUNTY and LASD.

97. The aforementioned customs, policies, practices, and procedures; the failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline; and the unconstitutional orders, approvals, ratification, and toleration of wrongful conduct of Defendants SHERIFF LUNA, and DOE DEPUTIES 1 through 10 were a moving force and/or a proximate cause of the deprivations of KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's clearly established and well-settled constitutional rights in violation of 42 U.S.C. § 1983, as more fully set forth above.

98. Defendants subjected KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON to their wrongful conduct, depriving KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON of rights described herein, knowingly, maliciously, and with conscious and reckless disregard for whether the rights and safety of KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON and others would be violated by their acts and/or omissions.

99. As a direct and proximate result of the unconstitutional actions, omissions, customs, policies, practices, and procedures of Defendants SHERIFF LUNA, and DOE DEPUTIES 1 through 10 as described above, Plaintiffs sustained serious and permanent injuries and are entitled to damages, penalties, costs, and attorneys' fees.

**FIFTH CLAIM FOR RELIEF**

**Municipal Policies, Customs, Practices Causing Constitutional Violations**

***(Monell - 42 U.S.C. § 1983)***

**(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON  
As Against Defendants COUNTY OF LOS ANGELES and LOS ANGELES  
COUNTY SHERIFF'S DEPARTMENT)**

100. Plaintiffs reallege and incorporate herein by reference each of the

1 preceding paragraphs of this complaint, and any subsequent paragraphs.

2 101. In *Monell v. Department of Social Servs.*, 436 U.S. 658 (1978), the  
3 Supreme Court held that municipalities were “persons” under § 1983 and thus could  
4 be held liable for causing a constitutional deprivation. *Id.* at 690. The Court explained  
5 that while a municipality may not be held liable under § 1983 for the torts of its  
6 employees on a theory of respondent superior, liability may attach where the  
7 municipality itself causes the constitutional violation through the execution of an  
8 official policy, practice or custom. *Id.* at 690–691.

9 102. At all times relevant hereto, the COUNTY and LASD were required to  
10 adhere to and enforce the following policies and procedures:

- 11 a. To segregate inmates different races including the segregation of Black  
12 and Latino inmates;
- 13 b. The oversee and supervise dorms, modules, and facilities with inmates of  
14 different races to prevent race riots or conflicts amongst races;
- 15 c. To provide additional monitoring and supervision of dorms, modules, and  
16 facilities after a race riot or conflict to prevent subsequent race riots or  
17 conflicts amongst races;
- 18 d. Institute, require, and enforce proper and adequate training, supervision,  
19 policies, and procedures concerning handling persons in medical crisis  
20 after being involved in a conflict;
- 21 e. A policy prohibiting covering up violations of constitutional rights by any  
22 or all of the following:
  - 23 i. By failing to properly investigate and/or evaluate incidents of  
24 violations of rights, including by unconstitutional medical care at  
25 the jail;
  - 26 ii. By ignoring and/or failing to properly and adequately investigate  
27 and/or investigate and discipline unconstitutional or unlawful  
28 conduct by custodial personnel;

1           iii.       By turning a blind eye to custodial who direct, aid, and/or assist  
2                       with the distribution of hazards, including illicit drugs, into Los  
3                       Angeles County jails; and

4           iv.       By allowing, tolerating, and/or encouraging custodial and medical  
5                       personnel to: fail to file complete and accurate reports; file false  
6                       reports; make false statements; and/or obstruct or interfere with  
7                       investigations of unconstitutional or unlawful conduct by  
8                       withholding and/or concealing material information;

9           f.       A policy prohibiting a “code of silence” among law enforcement officers,  
10                    LASD personnel, custodial personnel and medical personnel at the jail  
11                    whereby an officer or member of the LASD or medical staff does not  
12                    provide adverse information against a fellow officer, or member of the  
13                    LASD or the medical staff;

14           g.       Have and enforce necessary, appropriate, and lawful policies, procedures,  
15                    and training programs to prevent or correct the unconstitutional conduct,  
16                    customs, and procedures described in subparagraphs (a) through (f) above,  
17                    with deliberate indifference to the rights and safety of pretrial detainees,  
18                    such as KEVIN PARADA, WILLIAM EATON, and TYRONE  
19                    JOHNSON, and in the face of an obvious need for such policies,  
20                    procedures, and training programs.

21           103.   The unconstitutional actions and/or omissions of Defendants MICHAEL  
22           EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, as well as  
23           other officers employed by or acting on behalf of the COUNTY and LASD, on  
24           information and belief, were pursuant to the following customs, policies, practices,  
25           and/or procedures of the COUNTY and the LASD, stated in the alternative, which were  
26           directed, encouraged, allowed, and/or ratified by policymaking officers for the  
27           COUNTY and LASD, including SHERIFF LUNA:

28           a.       To segregate inmates different races including the segregation of Black

1 and Latino inmates;

2 b. The oversee and supervise dorms, modules, and facilities with inmates of  
3 different races to prevent race riots or conflicts amongst races;

4 c. To provide additional monitoring and supervision of dorms, modules, and  
5 facilities after a race riot or conflict to prevent subsequent race riots or  
6 conflicts amongst races;

7 d. Institute, require, and enforce proper and adequate training, supervision,  
8 policies, and procedures concerning handling persons in medical crisis  
9 after being involved in a conflict;

10 e. A policy prohibiting covering up violations of constitutional rights by any  
11 or all of the following:

12 i. By failing to properly investigate and/or evaluate incidents of  
13 violations of rights, including by unconstitutional medical care at  
14 the jail;

15 ii. By ignoring and/or failing to properly and adequately investigate  
16 and/or investigate and discipline unconstitutional or unlawful  
17 conduct by custodial personnel;

18 iii. By turning a blind eye to custodial who direct, aid, and/or assist  
19 with the distribution of hazards, including illicit drugs, into Los  
20 Angeles County jails; and

21 iv. By allowing, tolerating, and/or encouraging custodial and medical  
22 personnel to: fail to file complete and accurate reports; file false  
23 reports; make false statements; and/or obstruct or interfere with  
24 investigations of unconstitutional or unlawful conduct by  
25 withholding and/or concealing material information;

26 f. A policy prohibiting a “code of silence” among law enforcement officers,  
27 LASD personnel, custodial personnel and medical personnel at the jail  
28 whereby an officer or member of the LASD or medical staff does not



1 provide adverse information against a fellow officer, or member of the  
2 LASD or the medical staff;

3 g. Have and enforce necessary, appropriate, and lawful policies, procedures,  
4 and training programs to prevent or correct the unconstitutional conduct,  
5 customs, and procedures described in subparagraphs (a) through (f) above,  
6 with deliberate indifference to the rights and safety of pretrial detainees,  
7 such as KEVIN PARADA, WILLIAM EATON, and TYRONE  
8 JOHNSON, and in the face of an obvious need for such policies,  
9 procedures, and training programs.

10 104. Furthermore, Defendants COUNTY and LASD, through their employees  
11 and agents, and through their policy-making supervisors, SHERIFF LUNA and DOE  
12 DEPUTIES 1 through 10, failed to properly hire, train, instruct, monitor, supervise,  
13 evaluate, investigate, and discipline Defendants DOE DEPUTIES 1 through 10, and  
14 other COUNTY and LASD personnel, with deliberate indifference to the constitutional  
15 rights of KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON, and  
16 others in similar positions, as described above, and therefore, those rights thereby  
17 violated.

18 105. The unconstitutional actions and/or omissions of Defendants MICHAEL  
19 EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, and other  
20 LASD custody staff, as described above, were approved, tolerated, and/or ratified by  
21 policymaking officers for the COUNTY and LASD, including Defendants SHERIFF  
22 LUNA and DOE DEPUTIES 1 through 10. Plaintiffs are informed and believe and  
23 thereon allege that the details of this incident have been revealed to the authorized  
24 policymakers within the COUNTY and LASD, and that such policymakers have direct  
25 knowledge of the fact that the injuries sustained by KEVIN PARADA, WILLIAM  
26 EATON, and TYRONE JOHNSON of was the result of deliberate indifference to their  
27 rights to be protected and safe while in the custody of the COUNTY/LASD, and their  
28 rights to have access to medical care when suffering a medical emergency.

1 Notwithstanding this knowledge, the authorized policymakers within the COUNTY  
2 and LASD have approved of the conduct and decisions of Defendants DOE  
3 DEPUTIES 1 through 10 in this matter, and have made a deliberate choice to endorse  
4 such conduct and decisions, and the basis for them, that resulted in the injuries  
5 sustained by KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON. By  
6 so doing, the authorized policymakers within the COUNTY and LASD have shown  
7 affirmative agreement with the individual Defendants' actions and have ratified the  
8 unconstitutional acts of the individual Defendants. Furthermore, Plaintiffs are informed  
9 and believe, and thereupon allege, that Defendants SHERIFF LUNA and DOE  
10 DEPUTIES 1 through 10, and other policy-making officers for the COUNTY and  
11 LASD were and are aware of a pattern of misconduct and injury caused by COUNTY  
12 Jails custody and medical staff similar to the conduct of Defendants described herein,  
13 but failed to discipline culpable custody and medical staff and failed to institute new  
14 procedures and policy within the COUNTY and LASD.

15 106. The aforementioned customs, policies, practices, and procedures; the  
16 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,  
17 investigate, and discipline; and the unconstitutional orders, approvals, ratification, and  
18 toleration of wrongful conduct of Defendants COUNTY and LASD were a moving  
19 force and/or a proximate cause of the deprivations of KEVIN PARADA's, WILLIAM  
20 EATON's, and TYRONE JOHNSON's clearly established and well-settled  
21 constitutional rights in violation of their Fourteenth Amendment rights. Defendants  
22 subjected KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON to their  
23 wrongful conduct, depriving KEVIN PARADA, WILLIAM EATON, and TYRONE  
24 JOHNSON of rights described herein, knowingly, maliciously, and with conscious and  
25 reckless disregard for whether the rights and safety of KEVIN PARADA, WILLIAM  
26 EATON, and TYRONE JOHNSON and others would be violated by their acts and/or  
27 omissions.

28 ///

107. As a direct and proximate result of the unconstitutional actions, omissions, customs, policies, practices, and procedures of Defendants COUNTY and LASD, as described above, KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON suffered serious injuries, Plaintiffs are entitled to damages, penalties, costs, and attorneys' fees against Defendants COUNTY and LASD.

**SIXTH CLAIM FOR RELIEF**

**FOR NEGLIGENCE**

**(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON  
As Against All Defendants Save LASD)**

108. Plaintiffs reallege and incorporate by reference each of the forgoing and subsequent paragraphs of this Complaint with the same force and effect as if fully set forth herein.

109. The present claim for relief is brought pursuant to Cal. Gov. Code §§ 815.2 and 820. Under Section 820, as public employees, the individual Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, are liable for injuries caused by their acts or omissions to the same extent as private persons. Under Section 815.2, the Defendant public entity, COUNTY OF LOS ANGELES, is vicariously liable for injuries caused by the acts or omissions of its employees, officers, and agents, committed within the course and scope of that employment. *See Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128.

110. Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON were harmed by the negligence of Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 because they were on notice that as Black men, WILLIAM EATON, and TYRONE JOHNSON and KEVIN PARADA as a Latino who associated with Black inmates, were in danger by being housed in Dorm 618.

111. Upon information and belief, Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 were aware of the high

1 racial tensions in Dorm 618 between Latino and Black inmate and were aware of the  
2 race riot that occurred approximately one (1) week before the INCIDENT. However,  
3 due to Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
4 GUTIERREZ and DOES 1-10's negligence, KEVIN PARADA, WILLIAM EATON,  
5 and TYRONE JOHNSON were housed in Dorm 618, which exposed Plaintiffs to the  
6 dangers of Latino inmates in Dorm 618 including being stabbed which subjected  
7 Plaintiffs to the risk of death or serious bodily injury.

8 112. As deputies, Defendants MICHAEL EARWOOD, ERNESTO CRISOS,  
9 MARIA GUTIERREZ and DOES 1-10 owed a basic duty of reasonable care to all  
10 people with whom they interact and, more importantly, professional duties to uphold  
11 the law and to protect and serve the public. Defendants MICHAEL EARWOOD,  
12 ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 breached these duties  
13 when they neglected Plaintiffs' safety by housing them in Dorm 618 despite the prior  
14 race riot and high racial tensions.

15 113. The vicious beatings and stabbings Plaintiffs received were the exclusive  
16 cause of Plaintiffs' injuries and rights deprivations, which include but are not limited  
17 to being beaten and almost stabbed to death by several inmates, over and over again;  
18 causing severe injuries and psychological trauma to KEVIN PARADA, WILLIAM  
19 EATON, and TYRONE JOHNSON. Further, Plaintiffs KEVIN PARADA, WILLIAM  
20 EATON, and TYRONE JOHNSON have suffered and continue to suffer as a result of  
21 the traumatizing experience, including but not limited to feelings of shame and  
22 powerlessness, and disillusionment with the justice system.

23 **SEVENTH CLAIM FOR RELIEF**

24 **Violation of California Government Code § 845.6**

25 **(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON**

26 **As Against All Defendants Save LASD)**

27 114. Plaintiffs reallege and incorporates herein by reference each of the  
28 preceding paragraphs of this complaint, and any subsequent paragraphs.

115. The present claim for relief is brought pursuant to Cal. Gov. Code §§ 815.2, 820 and 845.6. Under Section 820, as public employees, the individual Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, are liable for injuries caused by their acts or omissions to the same extent as private persons. Under Section 815.2, the Defendant public entity, COUNTY OF LOS ANGELES, is vicariously liable for injuries caused by the acts or omissions of its employees, officers, and agents, committed within the course and scope of that employment. *See Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128.

116. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 were aware KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON required immediate medical care and treatment following the preventable beatings and stabbings they received. However, Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10, who were employed by Defendants COUNTY and LASD, failed to take reasonable action to summon immediate medical care and treatment.

117. Indeed, each individual defendant had knowledge of or reason to know about KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's need for immediate medical care and treatment, especially after witnessing Plaintiffs being beaten and stabbed in Dorm 618. Yet Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 failed to take reasonable action to summon such care and treatment. This conduct of the Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 is in violation of California Government Code § 845.6.

118. Defendants COUNTY and LASD are vicariously liable for the violations of state law and conduct of their officers, deputies, employees, and agents, including individual named defendants, under California Government Code § 815.2.

119. As a direct and proximate result of the aforementioned acts of these Defendants, Plaintiffs were injured as set forth above, and they are entitled to all

1 damages allowable under California law. Plaintiffs sustained serious and permanent  
2 injuries and are entitled to damages, penalties, costs, and attorney fees under California  
3 law.

4 **EIGHTH CLAIM FOR RELIEF**

5 **Violation of California Civil Code §52.1**

6 **(Tom Bane Act)**

7 **(By Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON**

8 **As Against All Defendants Save LASD)**

9 120. Plaintiffs reallege and incorporate herein by reference each of the  
10 preceding paragraphs of this complaint, and any subsequent paragraphs.

11 121. The present claim for relief is brought pursuant to Cal. Gov. Code §§  
12 815.2, 820 and Civil Code Section 52.1. Under Section 820, as public employees, the  
13 individual Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
14 GUTIERREZ and DOES 1-10, are liable for injuries caused by their acts or omissions  
15 to the same extent as private persons. Under Section 815.2, the Defendant public entity,  
16 COUNTY OF LOS ANGELES, is vicariously liable for injuries caused by the acts or  
17 omissions of its employees, officers, and agents, committed within the course and  
18 scope of that employment. *See Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112,  
19 1128.

20 122. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA  
21 GUTIERREZ and DOES 1-10, each acting in concert/conspiracy, as described herein,  
22 while KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON were in  
23 custody, and by threat, intimidation, and/or coercion, interfered with, attempted to  
24 interfere with, and violated KEVIN PARADA's, WILLIAM EATON's, and TYRONE  
25 JOHNSON's rights under California Civil Code § 52.1 and under the United States  
26 Constitution and California Constitution as follows:

- 27 a. To be free from the risk of death or serious bodily injury as protected by  
28 the Fourteenth Amendment;



- b. The right to be free from objectively unreasonable treatment and deliberate indifference to Plaintiffs' serious medical needs while in custody as a pretrial detainee as secured by the Fourteenth Amendments to the United States Constitution and by California Constitution, Article 1, §§ 7 and 13;
- c. The right to enjoy and defend life and liberty; acquire, possess, and protect property; and pursue and obtain safety, happiness, and privacy, as secured by the California Constitution, Article 1, § 1;
- d. The right to emergency medical and mental health care as required by California Government Code §845.6;

123. Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10's violations of KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's due process rights with deliberate indifference, in and of themselves constitute violations of the Bane Act.<sup>1</sup>

124. Alternatively, separate from, and above and beyond, Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10 attempted interference, interference with, and violation of KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's rights as described above, Defendants DOE DEPUTIES 1 through 10 violated KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's rights by the following conduct constituting threat, intimidation, or coercion:

- a. With deliberate indifference to hazards that posed a risk to individuals in custody, such as KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON;

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<sup>1</sup> See *Atayde v. Napa State Hosp.*, No. 1:16-cv-00398-DAD-SAB, 2016 U.S. Dist. LEXIS 126639, at \*23 (E.D. Cal. Sept. 16, 2016) (citing *M.H. v. Cty. of Alameda*, 90 F. Supp. 3d 889, 899 (N.D. Cal. 2013)); see also, *Cornell v. City and County of San Francisco*, Nos. A141016, A142147, 2017 Cal. App. LEXIS 1011 at \*58, f.n. 32 (Cal. Ct. App. Nov. 16, 2017) (approving *M.H.*, supra.); *Reese v. County of Sacramento*, 888 F.3d 1030, 1043-44 (9th Cir. 2018) (following *Cornell*); *Rodriguez v. County of L.A.*, 891 F.3d 776, 799, 802 (9th Cir. 2018) (following *Cornell*).

- b. With deliberate indifference to KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's serious medical and mental health needs, suffering, and risk of grave harm including death, depriving of necessary, life-saving care for her medical needs;
- c. Subjecting Plaintiffs to ongoing violations of their rights to prompt care for their serious medical and mental health needs over days, causing immense and needless suffering, intimidation, coercion, and threats to their life and well-being;
- d. Deliberately contracting for and causing the provision of inadequate and incompetent medical health care to COUNTY jail detainees and inmates; and
- e. Instituting and maintaining the unconstitutional customs, policies, and practices described herein, when it was obvious that in doing so, individuals such as KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON would be subjected to violence, threat, intimidation, coercion, and ongoing violations of rights as KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON was here.

125. The threat, intimidation, and coercion described herein were not necessary or inherent to Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10's violation of KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's rights, or to any legitimate and lawful jail or law enforcement activity.

126. Further, all of Defendants MICHAEL EARWOOD, ERNESTO CRISOS, MARIA GUTIERREZ and DOES 1-10's violations of duties and rights, and coercive conduct, described herein were volitional acts; none was accidental or merely negligent.

127. Further, each Defendant violated KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's rights with reckless disregard and with the

1 specific intent and purpose to deprive them of their enjoyment of those rights and of  
2 the interests protected by those rights.

3 128. Defendant COUNTY is vicariously liable for the violations of state law  
4 and conduct of their officers, deputies, employees, and agents, including individual  
5 named defendants, under California Government Code § 815.2.

6 129. As a direct and proximate result of Defendants DOE DEPUTIES 1  
7 through 10 violation of California Civil Code § 52.1 and of KEVIN PARADA's,  
8 WILLIAM EATON's, and TYRONE JOHNSON's rights under the United States and  
9 California Constitutions, Plaintiffs sustained injuries and damages, and against each  
10 and every Defendant is entitled to relief, including punitive damages against all  
11 individual Defendants, and all damages allowed by California Civil Code §§ 52 and  
12 52.1 and California law, not limited to costs attorneys' fees, and civil penalties.

13 **REQUEST FOR RELIEF**


14 Wherefore, Plaintiffs respectfully requests that the Court enter a judgment as  
15 follows:

- 16 A. General Damages in excess of the mandatory amount for jurisdiction in  
17 the Unlimited Superior Court;
- 18 B. KEVIN PARADA's, WILLIAM EATON's, and TYRONE JOHNSON's  
19 conscious pain, suffering, and disfigurement, pursuant to federal civil  
20 rights law;
- 21 C. Non-Economic Damages, according to proof plus all further and proper  
22 relief;
- 23 D. Punitive damages as to individual peace officer defendants;
- 24 E. Attorney's fees pursuant to State Law (Cal. Code Civ. Proc. § 1021.5 &  
25 private attorney general doctrine);
- 26 F. Penalties under the Tom Bane Act;
- 27 G. Interest; and
- 28

H. All other damages, penalties, costs, interest, and attorneys' fees as allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure § 1021.5; California Civil Code §§ 52 *et. seq.*, 52.1; and as otherwise may be allowed by California and/or federal law.

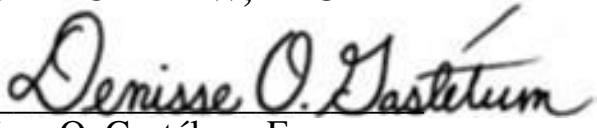
**Dated: October 24, 2024**

**LAW OFFICES OF CHRISTIAN CONTRERAS  
A PROFESSIONAL LAW CORPORATION**

By:   
Christian Contreras, Esq.  
Attorneys for Plaintiffs,  
KEVIN PARADA, et al.

**Dated: October 24, 2024**

**GASTÉLUM LAW, APC**

By:   
Denisse O. Gastélum, Esq.  
Attorneys for Plaintiffs,  
KEVIN PARADA, et al.

**DEMAND FOR JURY TRIAL**

Plaintiffs KEVIN PARADA, WILLIAM EATON, and TYRONE JOHNSON hereby makes a demand for a jury trial in this action.

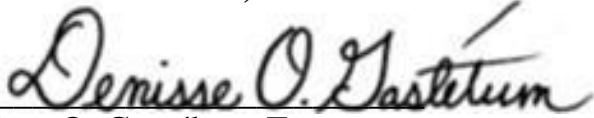
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